

ENTERED

July 11, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISIONRUBEN BALDEZ,
Plaintiff

VS.

VICTORIA COUNTY POLICE
DEPARTMENT, *et. al.*,
Defendants§
§
§
§
§
§
§
§

CIVIL ACTION NO. 6:25-CV-00003

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
TO DISMISS FOR FAILURE TO PROSECUTE**

Pending before the Court is United States Magistrate Judge Jason B. Libby's "Memorandum and Recommendation to Dismiss for Failure to Prosecute" (M&R, D.E. 17), recommending that this action be dismissed without prejudice for Plaintiff's failure to pay the filing fee or comply with the requirements governing an application to proceed *in forma pauperis* (IFP) despite multiple warnings. Plaintiff timely filed his objections (D.E. 20) on June 2, 2025.

Plaintiff's objections contain multiple complaints regarding the Magistrate Judge's alleged failure to consider Plaintiff's assertions regarding his effort to obtain the trust fund statement necessary for his IFP application. Plaintiff alleges that the Magistrate Judge is intentionally depriving him of his civil rights. The only basis for this complaint is that the Magistrate Judge has not made an exception to the legal requirement that Plaintiff produce an account statement to demonstrate whether he has funds available to pay the filing fee

for this case. This is not a proper objection as it seeks to circumvent the law rather than apply it. The objection is **OVERRULED**.

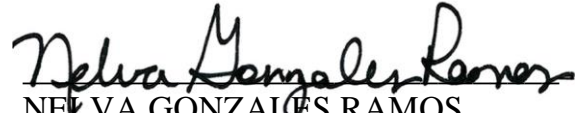
Plaintiff further complains that he does not consent to having the Magistrate Judge preside over his case. This is not a matter to which the Court needs Plaintiff's consent. Referral of cases for pretrial case management is a matter within this Court's discretion. *See* 28 U.S.C. § 636(b)(1). Discontent with the referral of the case to the Magistrate Judge is not a proper basis for objection to any particular ruling or recommendation. The objection is **OVERRULED**.

Plaintiff maintains that he has done everything necessary to obtain an account statement, but that the jail either does not have one or will not comply. He claims to have made this assertion pursuant to an "unsworn declaration." However, none of his filings state that they are signed under penalty of perjury, as is required to make such a declaration. Plaintiff was instructed in this regard previously, but has not corrected his statement. *See* Order, D.E. 15, p. 3. Consequently, there is no error in disregarding the statements because they are not evidentiary. The objection is **OVERRULED**.

Having reviewed the findings of fact, conclusions of law, and recommendations set forth in the Magistrate Judge's Memorandum and Recommendation, as well as Plaintiff's objections, and all other relevant documents in the record, and having made a de novo disposition of the portions of the Magistrate Judge's Memorandum and Recommendation to which objections were specifically directed, the Court **OVERRULES** Plaintiff's objections and **ADOPTS** as its own the findings and conclusions of the Magistrate Judge.

Accordingly, this action is **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 41(b).

ORDERED on July 11, 2025.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE